

Comments and Responses

ARC 7456B

Rule Summary

Provides support services for family caregivers of persons age 60 and over and for grandparents or older individuals who are relative caregivers of children. Also, establishes standards for those services and includes a severability rule.

Comment Period

December 31, 2008, to January 21, 2009

The following individuals and organizations provided the written comments below:

Steve Bolie, Area XIV Area Agency on Aging

Comment: The term "community care" is used several times in the proposed rules but is not defined.

Response: The Department does not see a need to define community care as it does not anticipate this will create problems. If unforeseen problems occur, this will be revisited.

Comment: 321-14.3 Eligibility for services – Eligibility appears to include anyone who provides care to "a child or children not more than 18 years of age." This would seem to apply to a grandparent or relative caregiver only but that is not clear by this section.

Response: The program purpose and definitions for family caregiver, grandparent, and relative caregiver are provided in the previous sections, 321-14.1 and 321-14.2 and adequately define who the services are intended to support. The definitions were not repeated in the Eligibility for services section to avoid redundancy.

Comment: 321-14.4 Priorities for service – The second sentence says that "the area agencies on aging will determine..." Presumably this means that each AAA will make the determination but the use of the plural confuses the issue with the idea that the AAAs as a group will make it.

Response: The Department will make a change to clarify that each individual Area Agency on Aging will make their own determination as to if the grandparent component of the program is offered based on the availability of funds.

Comment: 321-14.7 Conflict of Interest

1. "Uses an official position for private gain (other than salary)." This would seem to be an adequate description of conflict of interest. Omitting the other seven items would avoid the problems listed below and others.

3. "Impedes or adversely affects governmental efficiency or economy" is so broad that it could include almost anything, including chatting "around the water cooler" or being off-topic during a meeting which, while not desirable, would hardly rise to the level of conflict of interest.

5. "Creates circumstances where it might be reasonably perceived that an entity's or individual's judgment could be influenced by the nature of the circumstances." Isn't it a desirable thing that an individual's judgment about circumstances would be influenced by the nature of those circumstances? It would seem that that is what efforts to assess needs and make appropriate referrals is all about.

6. "Uses any property of the person giving care or the person receiving care for personal use" is so broad that it could preclude a staff person from using a tissue, the bathroom, or a chair in the home of a person receiving care.

Response: The standards for conflict of interest are reasonable and the Department will use common sense application when enforcing this rule.